

302 KAR 34:030. License and records required for each location.

RELATES TO: KRS 251.610, 251.640, 251.720

STATUTORY AUTHORITY: KRS 251.700

NECESSITY, FUNCTION, AND CONFORMITY: KRS 251.700(1) authorizes the department and the board to promulgate administrative regulations consistent with KRS 251.410, 251.430, 251.440, 251.451, 251.490, and 251.600 to 251.740. This administrative regulation requires a grain dealer to have a license for each separate business location and establishes recordkeeping requirements for farmer-produced grain from point of origin to delivery.

Section 1. Definitions. (1) "Acknowledgement form" means a three (3) part document signed by a grain producer and a grain dealer, or an authorized agent, acknowledging that a load of grain was removed from a farm.

(2) "Off premises" means a site located away from a licensed grain facility.

Section 2. A grain dealer operating at more than one (1) location shall have a license for each location if operated as separate business establishments. The license shall be posted in a conspicuous place in the office or appropriate section of the business establishment.

Section 3. Each licensee shall keep complete and correct records, which shall be available for inspection by the Kentucky Department of Agriculture, of all grain handled in each establishment which he is licensed to operate.

Section 4. Recordkeeping Requirements. (1) A grain dealer, licensed under KRS 251.720, shall issue to the grain producer a copy of an acknowledgement form, signed in triplicate by the grain dealer or his agent, when the grain is removed from the producer's farm by the grain dealer, or his agent. The acknowledgement form shall contain the name of the grain dealer, as shown on his grain dealer license, the grain dealer license number, telephone number of the grain dealer, the type of grain loaded, the date of loading, and the truck identification number. The acknowledgement form shall also contain the grain producer's name, address, phone number, and the location of the grain purchased.

(2) If grain quantity weight is based on destination weight or if the grain is weighed off premises, the net weight of the grain and the scale ticket number shall be included on the acknowledgement form. Information contained on scale tickets generated off premises shall be transferred to the customer's settlement sheets. A copy of the off premises scale weight ticket shall be retained in the licensee's records. All records pertaining to the purchase of the grain shall reference the acknowledgement form number and the official weight scale ticket number.

(3) Acknowledgement forms, licensee scale tickets, settlement sheets, and purchase contracts shall be prenumbered sequentially. Copies shall be retained by the grain dealer and filed numerically. Settlement sheet information shall be cross-referenced for tracking and accountability. Any numbered document containing incorrect information shall be voided, but not destroyed. A copy of any voided documents and a record of any numbered documents lost shall be maintained by the grain dealer for review by the department, if requested.

(4) All forms shall be completed in triplicate.

(5) All in-state official weights of grain shall be determined on scales approved by the Kentucky Department of Agriculture, Division of Regulation and Inspection. Out-of-state destination weights shall be determined by scales approved by the regulatory authority of the state of destination.

(6) A copy of a current dealer license shall be carried in each truck operated by the dealer. The copy shall be marked or stamped "COPY" and shall be made available upon request to the grain

producer or the Kentucky Department of Agriculture.

Section 5. For a violation of this administrative regulation, the department may suspend or revoke a license of a grain dealer in accordance with KRS Chapter 13B. (11 Ky.R. 1713; eff. 6-4-85; Am. 29 Ky.R. 799; 1268; eff. 11-13-02.)